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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-----------------|----------------------|-------------------------|------------------|
| 10/667,989 | 09/22/2003 | Denis Jolivet | 13600 | 1946 |
| 7 | 2590 06/28/2006 | | EXAMINER | |
| ORUM & ROTH | | | PHAN, JAMES | |
| 53 W. JACKSON BLVD CHICAGO, IL 60604 | | | ART UNIT | PAPER NUMBER |
| | | | 2872 | |
| | | | DATE MAILED: 06/28/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | Application No. | Applicant(s) | | | | | |
|--|---|---------------------------|---|--------|--|--|--|--|
| Office Action Summary | | 10/667,989 | JOLIVET, DENIS | | | | | |
| | | Examiner | Art Unit | | | | | |
| | | James Phan | 2872 | | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply | | | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | | | |
| Status | | | | | | | | |
| 1)[🛛 | Responsive to communication(s) filed on | 23 March 2006. | | | | | | |
| • | <u> </u> | This action is non-final. | | | | | | |
| 3)⊠ | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | | | |
| | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | | | |
| Disposition of Claims | | | | | | | | |
| 4)⊠ Claim(s) <u>1,4-11 and 21-27</u> is/are pending in the application. | | | | | | | | |
| 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration. | | | | | | | | |
| 5)⊠ Claim(s) <u>1,4-11, 21-23 and 26-27</u> is/are allowed. | | | | | | | | |
| 6) | 6) Claim(s) is/are rejected. | | | | | | | |
| | 7) Claim(s) is/are objected to. | | | | | | | |
| 8) | 8) Claim(s) are subject to restriction and/or election requirement. | | | | | | | |
| Applicati | on Papers | | | | | | | |
| 9) The specification is objected to by the Examiner. | | | | | | | | |
| 10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. | | | | | | | | |
| | Applicant may not request that any objection to | | | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | | | |
| 2) Notice 3) Information | et(s) te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-94 mation Disclosure Statement(s) (PTO-1449 or PTO/S ter No(s)/Mail Date | 8) Pa (BB/08) 5) | erview Summary (PTO-413) per No(s)/Mail Date tice of Informal Patent Application (PTo her: | O-152) | | | | |

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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: since the parent application 09/935,517 has been patented, the continuation data disclosed in the specification, page 1, should be updated.

Appropriate correction is required.

Allowable Subject Matter

Claims 1, 4-11, 21-23 and 26-27 are allowed. See reasons for allowance in the previous office action mailed 9/20/05.

Note that in the previous office action, page 4, claims 24-25 have been erroneously indicated allowable. These claims are patentably distinct from the elected species and have been withdrawn from further consideration as indicated in the previous office action, page 2. The examiner wishes to take this opportunity to correct the error by stating that claims 24-25, which are dependent on the canceled claim 14, remain withdrawn from further consideration. The examiner apologizes for any inconvenience that may have caused.

Conclusion

This application is in condition for allowance except for the following formal matters:

The objection to the specification and the presence of claims 24-25.

Prosecution on the merits is closed in accordance with the practice under *Ex* parte Quayle, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire **TWO**MONTHS from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

√ames /Phan Primary Examiner Page 3

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June 26, 2006